

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Matthew Kampf,)	Court File No.
)	
Plaintiff,)	
)	<u>NOTICE OF REMOVAL</u>
v.)	
)	
Principal Life Insurance Company,)	
)	
Defendant.)	
)	

PRINCIPAL LIFE INSURANCE COMPANY (hereinafter “PLIC”) is named as the Defendant in the above-captioned case, in which Plaintiff seeks to recover benefits allegedly due under the terms of an employee welfare benefit plan sponsored by his employer Go Consumers, Inc. and governed by the Employee Retirement Income Security Act of 1974, as amended (“ERISA”). The Complaint, captioned *Matthew Kampf v. Principal Life Insurance Company*, was commenced in the Sixth Judicial District, in St. Louis County, in the State of Minnesota.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, PLIC hereby gives notice of the removal of this action from the Sixth Judicial District, St. Louis County, Minnesota, where it is now pending, to the United States District Court for the District of Minnesota. In support of this Notice of Removal, PLIC states:

1. A Complaint and Summons were served on behalf of Plaintiff Matthew Kampf (“Plaintiff”) on PLIC, in the Sixth Judicial District, St. Louis County, Minnesota, a copy of which is attached as Exhibit A.

2. The aforesaid Summons and Complaint were first received by PLIC on February 10, 2021. No further process, pleadings or orders have been served on PLIC. 28 U.S.C. § 1446(b) provides that a notice of removal may be filed within thirty (30) days after receipt by the defendant of a copy of the initial pleading. As such, PLIC's Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

3. At all times relevant to the service of Plaintiff's Complaint and this Notice of Removal, PLIC was incorporated in the State of Iowa and its principal place of business was also located in the State of Iowa. *Hertz Corp. v. Friend*, 559 U.S. 77, 80 (2010) (corporation is deemed "citizen" for §1332 purposes only where it is incorporated and where its principal place of business is located).

4. At all times relevant to the service of Plaintiff's Complaint and this Notice of Removal, Plaintiff was a resident and citizen of the State of Minnesota.

5. In his Complaint, Plaintiff seeks damages in excess of \$75,000. While PLIC denies any liability and denies that Plaintiff is entitled to the relief sought and maintains that Plaintiff has no damages, Plaintiff could be awarded an amount greater than \$75,000.00 if he is successful on his claim. Therefore, the amount in controversy is greater than \$75,000.

6. Because the jurisdictional minimum is satisfied and the parties are of diverse citizenship, the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

7. The United States District Court for the District of Minnesota also has federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff's

Complaint is based on alleged violations of ERISA, and, therefore, this is a civil action arising under the law of the United States and this Court has original jurisdiction.

8. Pursuant to 28 U.S.C. § 1446(b), the state court action may be removed to this Federal District Court, being a United States District Court for the District of Minnesota that embraces St. Louis County, Minnesota, within its jurisdiction.

9. Pursuant to 28 U.S.C. § 1446(d), PLIC will give written notice of this removal to all parties in the state court action, and will file a copy of this Notice of Removal with the clerk of the state court action in the event the matter is ever filed with the state court.

10. Pursuant to 28 U.S.C. § 1446(a), PLIC attaches to this Notice of Removal a copy of all pleadings, papers, and other orders served upon it in the state court action to date. See Exhibit A attached hereto.

11. PLIC files herewith the civil cover sheet and has made payment of the required filing fee.

12. PLIC has good and sufficient defenses to this action.

WHEREFORE, Defendant Principal Life Insurance Company gives notice and respectfully removes the above-entitled action from the Sixth Judicial District, St. Louis County, Minnesota, to the United States District Court for the District of Minnesota.

Dated: February 26, 2021

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